

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EVELYN MALDONADO FONTANEZ	:	CIVIL ACTION
	:	
v.	:	NO. 16-5510
	:	
NANCY A. BERRYHILL, Acting	:	
Commissioner of Social Security	:	

ORDER

NOW, this 14th day of September, 2017, upon consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review (Document No. 9), the defendant's response (Document No. 12), the plaintiff's reply (Document No. 15), the Report and Recommendation of United States Magistrate Judge Sandra Moore Wells (Document No. 17), and after a thorough and independent review of the record, it is **ORDERED** as follows::

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. To the extent the plaintiff seeks remand, the request for review is **GRANTED** (Document Nos. 9 and 15);
3. The matter is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. §405(g), for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Sandra Moore Wells; and
4. On remand, the Administrative Law Judge shall:
 - (1) Reconsider the weight to be accorded the opinions of Drs. Herrera and Rohar and, if necessary, obtain an updated opinion from a State agency consultant based on the entire medical record;
 - (2) Review the evidence of record and formulate a new RFC

assessment addressing plaintiff's ability to interact with other individuals; and

(c) Clarify the basis of the limitation to ten percent off-task time in a day, and explain how this limitation does not correlate with a work-preclusive level of absenteeism.

/s/TIMOTHY J. SAVAGE